

54-18-101. Title.

This chapter is known as the "Siting of High Voltage Power Line Act."

Enacted by Chapter 316, 2009 General Session

54-18-102. Definitions.

As used in this chapter:

- (1) "Affected entity" means an entity as defined in Sections 10-9a-103 and 17-27a-103.
- (2) "Affected landowner" means an owner of a property interest, as reflected in the most recent county or city tax records as receiving a property tax notice, whose property is located within a proposed corridor.
- (3) (a) "Construction" means the excavation, construction, and installation of a high voltage electric power line or upgraded high voltage transmission line.
(b) "Construction" does not include:
 - (i) the temporary use of sites; or
 - (ii) studies and tests for:
 - (A) requirements of this chapter;
 - (B) state regulations;
 - (C) federal regulations;
 - (D) securing geological and survey data; or
 - (E) any other actions taken by a public utility reasonably necessary to determine the location of a target study area or proposed corridor.
- (4) "High voltage power line" means:
 - (a) an electrical high voltage power line with a nominal voltage of 230 kilovolts or more; and
 - (b) an upgraded high voltage power line.
- (5) "Land use application" has the same meaning as provided in Sections 10-9a-103 and 17-27a-103.
- (6) "Land use authority" has the same meaning as provided in Sections 10-9a-103 and 17-27a-103.
- (7) "Land use permit" has the same meaning as Sections 10-9a-103 and 17-27a-103.
- (8) "Legislative body" has the same meaning as provided in Sections 10-9a-103 and 17-27a-103.
- (9) "Proposed corridor" means the transmission line route within a target study area selected by the public utility as the public utility's proposed alignment for a high voltage power line.
- (10) "Proposed route" means the right-of-way needed for construction of the high voltage power line.
- (11) "Public utility" has the same meaning as provided in Section 54-2-1.
- (12) "Target study area" means the geographic area for a new high voltage transmission line or an upgraded high voltage power line as proposed by a public utility.
- (13) "Upgraded high voltage power line" means increasing the voltage of an existing transmission line to 230 kilovolts or more.

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54-18-201. Public utility to obtain approval for high voltage power lines.

(1) Except as provided in Subsections (2) and (3), a public utility shall comply with the requirements of this chapter before beginning construction or operation of:

- (a) a high voltage power line; or
- (b) an upgraded high voltage power line.

(2) A public utility is not subject to the provisions of this chapter if the public utility has on or before May 12, 2009:

- (a) filed an application for or obtained a certificate of convenience and necessity for a high voltage power line in accordance with the provisions of Section 54-4-25; or
- (b) has initiated the acquisition of right-of-way for the construction of the high voltage transmission line.

(3) A transmission line that is subject to federal permitting is not subject to the provisions of this chapter.

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54-18-301. Notice of intent to file -- Content -- Prefiling procedures.

(1) If a public utility conducts any field work in preparation of establishing a target study area before a notice of intent is filed in accordance with Subsection (2)(a), the public utility shall first notify the local land use authority of the public utility's work.

(2) (a) At least 90 days before the day on which a public utility files a land use application in a city or county that requires a permit for the construction of a high voltage power line or an upgraded high voltage power line, the public utility shall submit a notice of intent to the land use authority of each affected entity.

(b) The notice of intent described in Subsection (2)(a) shall include:

- (i) the name and mailing address of the public utility, including:
 - (A) the name of a contact person; and
 - (B) an address and telephone number for the contact person;
- (ii) the purpose and need for the high voltage power line;
- (iii) a map showing the target study area;
- (iv) a description of environmentally sensitive areas in the target study area;
- (v) the timing of construction; and
- (vi) a list of affected entities.

(c) The land use authority of an affected entity may provide written comments to the public utility within 30 days after the day on which the notice of intent is mailed under Subsection (2)(a).

(3) At least 60 days before filing a conditional use permit application with a local land use authority, the public utility shall send a notice to:

- (a) an affected entity;
- (b) the land use authority of an affected entity; and
- (c) an affected landowner.

(4) The notice required under Subsection (3) shall include:

- (a) the name and mailing address of the public utility, including:
 - (i) the name of a contact person; and

- (ii) an address and telephone number for the contact person;
- (b) a description of the proposed corridor, including:
 - (i) location maps of:
 - (A) the target study area; and
 - (B) the public utility's proposed corridor within the target study area;
 - (ii) the width of the proposed route needed for the high voltage power line;
 - (iii) a description of the website described in Subsection (6); and
 - (iv) an explanation of:
 - (A) the land use application process;
 - (B) how an affected landowner may participate in a land use authority's land use application process; and
 - (C) the rights of an affected land owner under Title 78B, Chapter 6, Part 5, Eminent Domain.
- (5) (a) For purposes of Subsection (3), a county, at the public utility's request, shall provide a certified list of the most recent county tax records showing all affected landowners within 30 days after the day on which the public utility submits the request.
- (b) A public utility may not be required to restart the notification process if:
 - (i) the county information provided under Subsection (5)(a) is insufficient or incorrect; and
 - (ii) the public utility fails to send an affected landowner a notice of intent based on the insufficient or incorrect information.
- (6) Within one week of filing the notice of intent with a land use authority in accordance with Subsection (2), the public utility shall:
 - (a) (i) create and update a website to dispense information about the proposed high voltage power line; and
 - (ii) on the website:
 - (A) designate a public utility point of contact; and
 - (B) explain how the public utility will respond to requests for information from the public and public officials; and
 - (b) (i) publish a public notice in a daily or weekly newspaper of general circulation at least once per week for two weeks in each county where the target study area is located disclosing that the public utility has filed a notice of intent with an affected entity; and
 - (ii) describe in the public notice:
 - (A) the proposed high voltage power line, including a map of the target study area; and
 - (B) how readers may obtain more information from the website or locations listed in Subsection (3).

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54-18-302. Public workshops.

After a public utility files the notice of intent in accordance with Subsection 54-18-301(3) and before it files a land use application, the public utility shall:

- (1) conduct informal public workshops at locations along the proposed corridor to provide information about:

- (a) the high voltage power line; and
- (b) the process for obtaining a land use permit; and
- (2) provide notice of the public workshops at least 14 days before a public workshop to:
 - (a) a newspaper of general circulation in the target study area;
 - (b) radio stations in the target study area; and
 - (c) an affected entity.

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54-18-303. Application for land use permit.

- (1) Before a public utility may file a land use application for a proposed high voltage power line, the public utility shall, in accordance with Subsection (2), identify a proposed corridor in the public utility's land use application after:
 - (a) providing a notice of intent in accordance with Section 54-18-301; and
 - (b) conducting the public workshops in accordance with Section 54-18-302.
- (2) If a public utility files a land use application for a high voltage power line, the public utility shall comply with the land use application requirements created by a legislative body and land use authority in accordance with Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, and Title 17, Chapter 27a, County Land Use, Development, and Management Act.
- (3) A local government may request cost information for modifications to the utility's proposed corridor in accordance with the provisions of Title 54, Chapter 14, Utility Facility Review Board Act.

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54-18-304. Review of land use application.

- (1) (a) A land use authority shall grant or deny a public utility's land use permit within 60 days after filing in accordance with the provisions of Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, and Title 17, Chapter 27a, County Land Use, Development, and Management Act.
- (b) The Utility Facility Review Board may review a land use authority's land use permit decision in accordance with Title 54, Chapter 14, Part 3, Utility Facility Review Board.
- (2) Notwithstanding Subsection (1), if a public utility does not satisfy the notice of intent requirements in accordance with Section 54-18-301 and public workshop requirements in accordance with Section 54-18-302, a land use authority may withhold a decision on a public utility's land use permit until the public utility satisfies the notification and public workshop requirements.

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54-18-305. Appeal of high voltage power line route.

This chapter does not affect a public utility's or local government's right to appeal a high voltage power line route to the Utility Facility Review Board in accordance with

the provisions of Chapter 14, Utility Facility Review Board Act.

Amended by Chapter 89, 2013 General Session